
THIRD READING

Bill No: AB 2244
Author: Gabriel (D), et al.
Amended: 8/13/26 in Senate
Vote: 21

SENATE HEALTH COMMITTEE: 10-0, 6/24/26

AYES: Weber Pierson, Valladares, Durazo, Gonzalez, Grove, Menjivar, Padilla,
Pérez, Rubio, Smallwood-Cuevas

NO VOTE RECORDED: Caballero

SENATE JUDICIARY COMMITTEE: 12-1, 6/30/26

AYES: Umberg, Niello, Allen, Ashby, Durazo, Laird, Reyes, Stern, Valladares,
Wahab, Weber Pierson, Wiener

NOES: Caballero

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/13/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NO VOTE RECORDED: Seyarto, Dahle

ASSEMBLY FLOOR: 74-0, 5/27/26 - See last page for vote

SUBJECT: Non-Ultraprocessed Certified food standard

SOURCE: Environmental Working Group

DIGEST: This bill establishes a process for the California Department of Public Health (CDPH) to accredit certification agents that can certify food products as “Non-Ultraprocessed Certified” (Non-UPF Certified), and requires CDPH to create a standardized seal for these certified food products. Requires grocery stores with more than \$10 million in gross annual sales to make at least three or more items that are Non-UPF Certified clearly identifiable, with regard to their display in the grocery store, if the grocery store sells more than 25 Non-UPF Certified items.

ANALYSIS:

Existing law:

- 1) Defines “ultraprocessed food (UPF),” for purposes of food intended to be served or sold in schools, as any food or beverage that contains a substance that has one of eight FDA-defined technical effects, as specified, and that has either higher amounts of saturated fat, sodium, or added sugar, or contains a nonnutritive sweetener or other sugar substitute, as specified. Excludes certain food products from this definition, including Class 1 milk, alcoholic beverages, medical foods, and infant formula. [Health and Safety Code (HSC) §104661]
- 2) Defines “UPFs of concern,” for purposes of food intended to be served or sold in schools, as a food product that is a UPF, and that is determined by regulations adopted by CDPH to be of concern, based on specified factors, including whether it contains a substance linked to health harms or adverse health consequences. Requires these regulations to be adopted by June 1, 2028. [HSC §104662(a)(2)]
- 3) Defines “restricted school foods,” for purposes of food intended to be served or sold in schools, as a food or beverage that contains a substance that has one of the eight FDA-defined technical effects but does not meet the definition of a UPF because it is not high in fat, sodium, or added sugar, but is restricted from being sold in schools because the it has been determined by regulations adopted by CDPH to be of concern. Requires these regulations to be adopted by June 1, 2028. [HSC §104662(a)(1)]
- 4) Requires, no later than July 1, 2029, schools to begin to phase out UPFs of concern and restricted school foods, and by July 1, 2032, prohibits a vendor from offering UPFs of concern or restricted school foods to a school. [HSC §104664]

This bill:

- 1) Requires CDPH, no later than June 1, 2028, to accredit certification agents that can certify products as “Non-Ultraprocessed Certified” (“Non-UPF Certified”) pursuant to this bill.
- 2) Prohibits an accredited certification agent from certifying a product as Non-UPF Certified if it is classified as any of the following:
 - a) A UPF, as defined in existing law;
 - b) A UPF of concern, as defined in existing law; or,

- c) A restricted school food, as defined in existing law.
- 3) Requires a product to be recertified as Non-UPF Certified at least every three years.
 - 4) Requires an applicant for certification, if a product using the Non-UPF Certified seal is reformulated, to submit an application to the accredited certification agent within 30 days for recertification of the reformulated product.
 - 5) Requires CDPH to create a standardized seal that is permitted to incorporate both of the following:
 - a) The phrase “Non-Ultraprocessed Certified Food Standard;” and,
 - b) Images and themes association with California and health, nutritious whole foods.
 - 6) Restricts the use of the Non-UPF Certified seal on a product to only those products that have been certified by an accredited certification agent.
 - 7) Permits the Non-UPF Certified seal to be placed on the principal display panel, the information panel, or elsewhere on the package, provided that the seal does not obscure other required information, such as the nutrition facts panel or the statement of identity.
 - 8) Requires an accredited certification agent to do all of the following:
 - a) Register with CDPH on a form provided by CDPH;
 - b) Annually renew the registration, unless the certification agency is no longer engaged in certifying products under this bill; and,
 - c) Provide a list to CDPH of all the products certified by the accredited certification agent.
 - 9) Requires any registration information submitted by an accredited certification agent to CDPH to be made available to the public for inspection and copying.
 - 10) Requires an accredited certification agent that certifies Non-UPF Certified products to immediately make the following records available for inspection by CDPH, or provide copies within three business days of a request by CDPH, or within a reasonable time exceeding three business days as determined by CDPH:

- a) Records obtained from applicants for certification of a product; and,
 - b) Records created by the accredited certification agent regarding applications for certification of a product.
- 11) Permits CDPH to audit the accredited certification agent's certification procedures and records at any time, but requires any records of the accredited certification agent not otherwise required to be disclosed to be kept confidential by CDPH.
- 12) Requires CDPH to maintain a webpage that lists all of the products currently certified as Non-UPF Certified as reported by the accredited certification agent.
- 13) Permits CDPH to adopt any regulations as are reasonably necessary to assist in the implementation of, or to make more specific, the provisions of this bill related to the certification of Non-UPF foods.
- 14) Deems the following actions as unlawful:
- a) For a person to certify products as Non-UPF Certified unless duly registered as an accredited certification agent;
 - b) For a person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed, in registration as an accredited certification agent;
 - c) For a person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed to an accredited certification agent; and,
 - d) For a person to use the Non-UPF Certified seal on a product that does not meet the requirements of this bill.
- 15) Permits a person who engages in the misuse of the Non-UPF Certified seal to be enjoined in a court by any of the following:
- a) CDPH;
 - b) The Attorney General, county counsel, city attorney, or city prosecutor in a city having a full-time city prosecutor; or,
 - c) A consumer, business entity, or non-profit organization.

- 16) Specifies that a violation of the above provisions is not subject to existing criminal penalties for violations of the Sherman Law.
- 17) Requires a grocery store, as defined in existing law, with gross annual store sales of more than \$10 million dollars, to make clearly identifiable at least three or more items that are Non-UPF Certified if the food facility offers for sale more than 25 Non-UPF Certified items.
- 18) Defines “clearly identifiable,” for purposes of the requirement in 17) above, as a manner of offering a product for sale on a display unit or within a retail setting that allows a reasonable consumer to readily distinguish the product from other products, including through physical separation, signage, or other visual cues.
- 19) Permits a grocery store that fails to meet the requirement in 17) above to be enjoined in court by the Attorney General, county counsel, city attorney, or city prosecutor in a city having a full-time city prosecutor. Specifies that this violation is not subject to existing criminal penalties for violations of the California Retail Food Code.
- 20) Deems a grocery store to be in compliance with the requirement in 17) above if it demonstrates that it has made a good faith effort to comply and has implemented reasonable policies, procedures, or employee training designed to achieve compliance. Prohibits de minimis or isolated instances of noncompliance that occur despite good faith efforts, from constituting a violation of the requirement.
- 21) Sunsets the provisions of this bill relating to grocery stores making certified products “clearly identifiable” until the soonest of the following occurs: appropriated funds are exhausted, or January 1, 2040.

Background

The NOVA classification system and the definition of UPF. The NOVA classification, also referred to as Nova, comes from the Portuguese title of the article that was originally published in 2009 by a researcher in Brazil: “A new classification of foods.” As it has evolved since originally formulated, NOVA classifies foods into four groups:

- *Group 1: unprocessed or minimally processed foods.* Minimally processed foods are natural foods (from plants, or from animals, including muscle, eggs, and milk) that are altered by processes that include removal of inedible or

unwanted parts; and drying, crushing, grinding, fractioning, filtering, roasting, boiling, non-alcoholic fermentation, pasteurization, refrigeration, chilling, freezing, placing in containers, and vacuum packaging. These processes are designed to preserve natural foods, make them suitable for storing, or make them safe or edible or more pleasant to the consumer.

- *Group 2: processed culinary ingredients.* Processed culinary ingredients such as oils, butter, sugar and salt, are substances derived from Group 1 foods or from nature by processes that include pressing, refining, grinding, milling, and drying. The purpose of such processes is to make durable products that are suitable for use in home and restaurant kitchens to prepare, season, and cook Group 1 foods. They are not meant to be consumed by themselves, and are normally used in combination with Group 1 foods to make freshly prepared drinks, dishes and meals.
- *Group 3: processed foods.* Processed foods, such as bottled vegetables, canned fish, fruits in syrup, cheeses, and freshly made breads, are made by adding salt, oil, sugar, or other substances from Group 2 to Group 1 foods. Processes include various preservation or cooking methods, and, in the case of breads and cheese, non-alcoholic fermentation. Most processed foods have two or three ingredients, and are recognizable as modified versions of Group 1 foods. They are edible by themselves, or more usually, in combination with other foods.
- *Group 4: UPFs.* UPFs, such as soft drinks, sweet or savory packaged snacks, reconstituted meat products, and pre-prepared frozen dishes, are not modified foods but formulations made mostly or entirely from substances derived from foods and additives, with little, if any, intact Group 1 food. Ingredients of these formulations usually includes those also used in processed foods, such as sugars, oils, fats, or salt, but also include other sources of energy and nutrients not normally used in culinary preparations. Some of these are directly extracted from foods, such as casein, lactose, whey, and gluten. Many are derived from further processing of food constituents, such as hydrogenated or interesterified oils, hydrolysed proteins, soy protein isolate, maltodextrin, invert sugar, and high-fructose corn syrup. Additives in UPF include some used in processed foods, such as preservatives, antioxidants and stabilizers. Classes of additives found only in UPF products include those used to imitate or enhance the sensory qualities of foods or to disguise unpalatable aspects of the final product. These additives include dyes and other colors, color stabilizers, flavors, flavor enhancers, non-sugar sweeteners, and processing aids such as carbonating,

firming, bulking, and anti-bulking, de-foaming, anti-caking and glazing agents, emulsifiers, sequestrants and humectants.

AB 1264 (Gabriel, Chapter 467, Statutes of 2025) establishes a multi-pronged definition to categorize whether foods intended to be sold or served in schools are UPF. First, it uses the FDA's Substances Added to Food database (which was previously known as Everything Added to Foods in the United States, or EAFUS). This is a database of additives, including color additives, flavoring substances, and other ingredients added to food to achieve certain "technical effects." Federal regulations list 32 different physical or technical effects that a food ingredient or additive can have, including antioxidants or antimicrobial agents used to preserve food, drying agents to maintain an environment of low moisture, enzymes to improve food processing, leavening agents, lubricants and release agents to prevent food from sticking to food contact surfaces, etc. The definition of UPF includes eight of these technical effects that are considered by the proponents of AB 1264 and this bill as associated with UPF – technical effects that are for flavoring or coloring effects, for example, or emulsifiers and thickeners.

If a food product meets the first test of having an additive with one of the eight technical effects, it moves on to the second prong: whether it is either high in saturated fat, sodium, or added sugar, or it contains a nonnutritive sweetener or one of eleven other substances that are used as sugar replacements. These eleven substances, such as xylitol, D-sorbitol, and isomalt, are sugar alcohols or other substances that do not meet the definition of nonnutritive sweeteners because they still contain some calories, but are used as sugar substitutes.

Restricted school foods will be determined at a later date by a regulatory process. In addition to foods designated as UPF, this bill also prohibits products from being Non-UPF Certified if they are "restricted school foods." (This bill also prohibits certification of "UPFs of concern" from AB 1264, but UPFs of concern already come from the universe of UPFs.) Restricted school foods were included in AB 1264 last year to capture foods that have one or more of the additives in the first prong of the definition of UPF, but do not meet the "high-in saturated fat, sodium, or added sugar" of the second prong of the definition, and do not have a nonnutritive sweetener or other sugar substitute. The purpose of adding the category of "restricted school foods" was to give CDPH the ability to restrict a food that has all the characteristics of a UPF of concern, including a risk of adverse health consequences, etc., but was not high in saturated fat, sodium, or added sugar. Unlike the definition of UPF, which is a statutory definition, the list of restricted school foods will be determined pursuant to regulations adopted by CDPH, just like the "UPFs of concern" targeted by AB 1264.

Because the definition of UPF is statutory, the Non-UPF certification process can start without waiting for regulations. However, it is possible a product could be approved as “Non-UPF Certified,” and then later lose this eligibility as a result of the product being included in the list of restricted school foods.

Based on certified organic program. The author states that this bill is modeled on the California Organic program. Under the California Organic Food and Farming Act, any certification agency that certifies products in California sold as organic is required to register with the Department of Agriculture, including paying an annual registration fee. Similar to this bill, a certification agency that certifies organic products is required to make records available for inspection. All products sold as organic in California are required to be certified by an accredited certifying agent.

Other Non-UPF programs. There are at least two existing programs that provide seals for food products to indicate that the product is “non-UPF:” Non-UPF Verified, which is a project under the umbrella of the Non-GMO Project and its Food Integrity Collective; and, WISEcode Non-UPF Shield.

Non-UPF Verified. The Non-GMO Project started in 2007, and in 2025 launched the Non-UPF Verified program. They published their Non-UPF Standard on January 21, 2026, which is a 30 page document detailing standard criteria and requirements for verification as Non-UPF Verified. This standard includes processing methods, which is something that the definition of UPF in California law used by this bill does not cover. There is some overlap in the list of ingredients that would exclude a product from being considered Non-UPF, such as non-nutritive sweeteners, and thickeners and texturizers, but also some prohibited products not captured by this bill, such as certain refined oils.

WISEcode. On May 4, 2026, WISEcode launched “Non-UPF Shield,” a verification program for brands, and a redesigned WISE Code UPF Detector mobile app. Both are powered by an artificial intelligence classification system that relies on an ingredient database and a proprietary automated review system.

Comments

According to the author of this bill:

This bill would establish a Non-UPF seal that food manufacturers could place on products that meet clear standards for not being ultra-processed. Modeled after the “USDA Organic” label, the seal would provide consumers with a simple, trustworthy way to identify healthier options with a quick

glance. Additionally, the bill would require grocery stores in California to feature products bearing the seal in a display, thereby making it easier for busy families to locate healthier foods quickly and conveniently. Ultimately, parents shouldn't need a Ph.D. to understand what they're feeding their kids, and this new law will empower consumers with clear, trustworthy information and make it easier for them to find foods that are free from harmful additives.

Related/Prior Legislation

AB 1264 (Gabriel, Chapter 467, Statutes of 2025) enacts the Real Food, Healthy Kids Act to reduce the consumption of UPFs by California children by: defining UPFs intended to be sold or served in schools; establishing a regulatory process for CDPH to determine which UPFs are of concern by June 1, 2028; and, requiring these UPFs of concern to be phased out of schools until they are prohibited from being offered to schools by vendors as of July 1, 2032, and prohibited from being served or sold in schools by July 1, 2035.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Committee on Appropriations, unknown ongoing General Fund costs, potentially hundreds of thousands, for CDPH for state administration.

The California Department of Justice anticipates a minor fiscal impact to the department.

Unknown potential costs to local enforcement agencies related to requirements on grocery stores. Costs could be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

Unknown, potential workload costs to the courts to adjudicate cases seeking injunctive relief (Trial Court Trust Fund, General Fund). While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to increase the amount appropriated for trial court operations.

SUPPORT: (Verified 8/14/26)

Environmental Working Group (source)
A Voice for Choice Advocacy
Active San Gabriel Valley
Alliance of Nurses for Healthy Environments
American Academy of Pediatrics, California

American Diabetes Association
American Heart Association
American Nurses Association/California
Breast Cancer Prevention Partners
California Chapter of the American College of Cardiology
California Grocers Association
California Medical Association
California Nurses for Environmental Health & Justice
California Podiatric Medical Association
Center for Ecoliteracy
Center for Environmental Health
Chef Ann Foundation
Children Now
Clean Earth 4 Kids
Consumer Federation of America
Consumer Reports
Crohn's and Colitis Foundation
Democrats of Rossmoor
Eat Real
Ecology Center
Educate. Advocate.
End Chronic Disease
Families Advocating for Chemical & Toxics Safety
Farm Fatales
Food & Water Watch
Friends Committee on Legislation of California
Indivisible Marin
Mamavation - Non-toxic Products for Healthy Families
San Francisco Bay Physicians for Social Responsibility
San Francisco Marin Medical Society
The Office of Kat Taylor
United Nurses Associations of California/union of Health Care Professionals
Wellness in the Schools, Inc.

OPPOSITION: (Verified 8/14/26)

American Beverage Association
California Chamber of Commerce
California League of Food Producers
California Manufacturers & Technology Association
Calorie Control Council

Civil Justice Association of California
Competere
Consumer Brands Association
Dairy Institute of California
Food Ingredient Safety Coalition
Non-GMO Project

ARGUMENTS IN SUPPORT: This bill is sponsored by the Environmental Working Group, and is joined in support by a large coalition. Supporters state that this bill builds on California's first-in-the-nation definition of UPFs and creates a voluntary Non-UPF Certified seal that gives consumers a clear, trusted way to identify healthier food options for their families. According to supporters, UPFs now make up more than half of all calories consumed by adults in the U.S., and nearly two-thirds of the calories consumed by children. Consumers want to make better choices, but they do not have practical information at the point of purchase. Supporters point to a 2025 national survey that found that 72% of Americans are trying to reduce their UPF intake, yet fewer than half could correctly identify common UPF products. A separate study of more than 50,000 products at Walmart, Target, and Whole Foods found that most offerings across all three stores fell in the UPF category. This bill creates a voluntary certification program administered through CDPH-accredited third-party agents, backed by a public product registry and enforceable by the Attorney General. No manufacturer is required to participate, and a requirement that the product display is clearly identifiable only applies to large retailers that carry more than 25 certified items. Unlike private certification programs that operate without government oversight, this bill establishes a clear, accountable, state-backed standard.

ARGUMENTS IN OPPOSITION: The Consumer Brands Association, the California Manufacturers & Technology Association, the Food Ingredient Safety Coalition, and the Calorie Control Council submitted a joint letter of opposition, stating that this bill is premature, would create consumer confusion, and would distort the marketplace. This group notes this bill creates a state-backed Non-UPF Certified seal at a time when private certification already serves this purpose, pointing to the Non-UPF Program and WISEcode, which already certify Non-UPF foods nationwide. Consumers already encounter a wide range of certifications and claims in the marketplace, including California Grown, organic, non-GMO, and Fair Trade, many administered by nonprofit or independent third parties. California should not single out one processing-based standard, attach a California-branded seal to it, and imply a unique level of state endorsement. This group states that certification under this bill turns in part on whether a product is classified as a UPF of concern or a restricted school foods, terms that CDPH is not required to define

by regulation until June 1, 2028, and has not even begun the rulemaking. These opponents also note that the definition this bill relies on were enacted for school nutrition, a narrow context never intended for the general food supply. Because that definition excluded alcoholic beverages from the definition of UPF, a spirit or flavored malt beverage could carry the states Non-UPF Certified seal, while a low-fat, low-calorie yogurt sweetened with a nonnutritive sweetener, or a packaged salad whose dressing pairs a common emulsifier with added sugar, could be denied it. The opponents state that this bill authorizes anyone to seek an injunction over an alleged misuse of the seal, and given the close similarity between this seal and the existing national Non-UPF seal, there is a meaningful risk of litigation arising from consumer confusion between the two. Finally, according to the opponents, the FDA and United States Department of Agriculture are actively developing a federal definition of UPF, and no single, universally accepted definition exists today. Because private programs are not codified in statute, they can adapt as federal guidance evolves. By contrast, anchoring a California seal to a state-specific definition would require legislative action to realign.

The California League of Food Producers, the California Chamber of Commerce, and the Dairy Institute of California also jointly wrote in opposition, making similar arguments. The broad definition of UPF risks capturing foods that are widely regarded as healthy and nutritious, and states the part of the definition tying in foods that have high amounts of saturated fat, sodium, or added sugars could impact foods like cheeses, even though it is widely recognized as a healthy source of protein, calcium, and other essential nutrients.

The Non-GMO Project states in opposition that they are a California nonprofit corporation with more than 20 years of experience in food certification and the operator of Non-UPF Verified, the nation's leading independent certification for non-UPF foods. The Non-GMO project notes that they are not observers of this issue, they are one of its practitioners, and have serious concerns about this bill. The Non-GMO Projects core concerns include that it duplicates an existing nonprofit certification (Non-UPF Verified); it requires certification before definitions are finalized; it introduces litigation exposure and consumer confusion; and it establishes a non-UPF certification framework without requiring evaluation of actual processing methods.

ASSEMBLY FLOOR: 74-0, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González,

Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Castillo, Hadwick, Lackey, Macedo, Celeste Rodriguez, Tangipa

Prepared by: Vincent D. Marchand / HEALTH / (916) 651-4111
8/17/26 10:13:57

**** END ****